HVN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

C.A.J.

F.E.R.A. NO. 29 OF 2006

Director of Enforcement .. Appellant

Versus

A.B.A. Dubhash ... Respondent

WITH
F.E.R.A. NO. 30 OF 2006

Director of Enforcement ... Appellant

Versus

M/s. Urmila and Co. Pvt. Ltd. .. Respondent

WITH
F.E.R.A. NO. 31 OF 2006

Director of Enforcement ... Appellant

Versus

Shyam Kumar Srivastava ... Respondent

WITH
F.E.R.A. NO. 41 OF 2006

Director of Enforcement ... Appellant

Versus

M/s. Mackinnon Mackenzie & Co. Ltd.. Respondent

Mr. R.V. Desai with Mrs. Shehnaz V. Bharucha and Mr. A.S. Rao i/by Mr. T.C. Kaushik for Appellant.

Mr. A.S. Doctor i/by M/s. Desai & Diwanji for Respondents in FERA No. 29, 30 and 41 of 2006.

Mrs. Preeti Shah i/by M/s. Mulla & Mula for Respondnets in FERA No. 31 of 2006.

CORAM: F.I. REBELLO &
J.P.DEVADHAR, JJ.
DATED: AUGUST 10, 2007

P.C.:

. These appeals corresponds to appeal Nos. 199/1999, 200/1999, 203/99 and 223/99 before the Appellate Tribunal.

. The allegations against the respondent was that they have violated the provisions of Section 9(1)(b) and 9(1)(d) and 9(1)(d) read with Rule 64 of the F.E.R.A. Act. On adjudication in respect of what can be described as show cause notice NO. 2, penalty was imposed on each of the respondents in the present appeals. The respondents aggrieved preferred appeals which we have earlier mentioned are Appeal Nos. 199/99, 200./99, 203/99 and 223/99. The learned tribunal by a common order disposed of the appeals.

. In so far as appeal No. 199/99 is concerned, the learned appellate authority recorded a finding of fact that the appellants herein were unable to establish that there was any agreement between M/s. British India Steam Navigation. On the contrary the authority below itself recorded a finding that the money was owed by M.S.N.L. to Shrivastava. In our opinion, the same is purely a finding of fact. The appellants have been unable to show any perversity in the said findings. In our opinion, therefore there is no illegality in the order of the appellate

authority and consequently the said appeal stands dismissed.

. Similarly, so far as Appeal Nos. 30, 31 and 41 of 1999 are concerned, the appellate authority has considered the issue in Paragraph Nos. 16, 17 and 27. The facts involved are the same as in Appeal NO. 198/99. The appellate authority recorded a finding of fact. Nothing has been brought to our attention which would warrant us taking a view that the said findings are perverse.

. In our opinion considering the findings on record, we find no illegality in the orders and consequently the appeals stand dismissed. Consequently all corresponding Civil Applications in these appeals also stands dismissed.

(J.P.DEVADHAR, J.) **(F.I.REBELLO, J.)**